

CHAPTER 30.1-33 JURISDICTION OF COURT CONCERNING TRUSTS

30.1-33-01. (7-201) District court jurisdiction of trusts.

1. The district courts have jurisdiction of proceedings initiated by interested parties concerning the internal affairs of trusts. Proceedings which may be maintained under this section are those concerning the administration and distribution of trusts, the declaration of rights, and the determination of other matters involving trustees and beneficiaries of trust. These include proceedings to:
 - a. Appoint or remove a trustee.
 - b. Review trustees' fees and to review and settle interim or final accounts.
 - c. Ascertain beneficiaries, determine any question arising in the administration or distribution of any trust including questions of construction instruments, instruct trustees, and determine the existence or nonexistence of any immunity, power, privilege, duty, or right.
 - d. Release registration of a trust.
2. Neither registration of a trust nor a proceeding under this section result in continuing supervisory proceedings. The management and distribution of a trust estate, submission of accounts and reports to beneficiaries, payment of trustee's fees and other obligations of a trust, acceptance and change of trusteeship, and other aspects of the administration of a trust shall proceed expeditiously consistent with the terms of the trust, free of judicial intervention and without order, approval, or other action of any court, subject to the jurisdiction of the district court invoked by interested parties or as otherwise exercised as provided by law.

30.1-33-02. (7-202) Trust proceedings - Venue. Venue for proceedings under section 30.1-33-01 involving registered trusts is in the place of registration. Venue for proceedings under section 30.1-33-01 involving trusts not registered in this state is in any place where the trust properly could have been registered, and otherwise by the rules of civil procedure.

30.1-33-03. (7-203) Trust proceedings - Dismissal of matters relating to foreign trusts. The district court will not, over the objection of a party, entertain proceedings under section 30.1-33-01 involving a trust registered or having its principal place of administration in another state, unless:

1. All appropriate parties could not be bound by litigation in the courts of the state where the trust is registered or has its principal place of administration; or
2. The interests of justice otherwise would seriously be impaired.

The district court may condition a stay or dismissal of a proceeding under this section on the consent of any party to jurisdiction of the state in which the trust is registered or has its principal place of business, or the district court may grant a continuance or enter any other appropriate order.

30.1-33-04. (7-204) District court jurisdiction of litigation involving trusts and third parties. The district court of the place in which the trust is registered has concurrent jurisdiction with other district courts of this state of actions and proceedings to determine the existence or nonexistence of trusts created other than by will, of actions by or against creditors or debtors of trusts, and of other actions and proceedings involving trustees and third parties. Venue is determined by the rules generally applicable to civil actions.

30.1-33-05. (7-205) Proceedings for review of employment of agents and review of compensation of trustee and employees of trust. On petition of an interested person, after notice to all interested persons, the district court may review the propriety of employment of any person by a trustee, including any attorney, auditor, investment adviser, or other specialized agent or assistant, and the reasonableness of the compensation of any person so employed, and the reasonableness of the compensation determined by the trustee for the trustee's services. Any person who has received excessive compensation from a trust may be ordered to make appropriate refunds.

30.1-33-06. (7-206) Trust proceedings - Initiation by notice - Necessary parties. Proceedings under section 30.1-33-01 are initiated by filing a petition in the district court and giving notice pursuant to section 30.1-03-01 to interested parties. The district court may order notification of additional persons. A decree is valid as to all who are given notice of the proceeding though fewer than all interested parties are notified.